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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,369

11/26/2003

Michael E. Sproul

2630.001

1491

21917 7590 03/28/2008
MCHALE & SLAVIN, P.A.
2855 PGA BLVD
PALM BEACH GARDENS, FL 33410

EXAMINER

CARPENTER, WILLIAM R

ART UNIT

PAPER NUMBER

3767

MAIL DATE

DELIVERY MODE

03/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No. 10/724,369	Applicant(s) SPROUL, MICHAEL E.	
	Examiner WILLIAM CARPENTER	Art Unit 3767	

All Participants:

(1) WILLIAM CARPENTER.

(2) MICHAEL SLAVIN.

Date of Interview: 19 March 2008

Type of Interview:
☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)
Exhibit Shown or Demonstrated: ☐ Yes ☐ No
If Yes, provide a brief description: .

Status of Application: PENDING

(3) _____.

(4) _____.

Time: 1:30 PM

Part I.

Rejection(s) discussed:

Claims discussed:
1-17

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

The traversal of Examiner's restriction requirement was discussed. Applicant's position was that Figures 4 and Figures 5 should be considered a single species. Examiner's position was stated as since Figure 4 discloses a bone tamp in conjunction with a vertebrae and Figure 5 discloses a bone tamp in conjunction with the femoral neck the difference in application as well as the difference in necessary structure is divergent enough so as to constitute separate species, denoting a burdensome search. Dissimilarities in structure of the two species can be evidenced by Applicant's disclosure. The transducer in Figure 5 is disclosed as taking the form of an internal splint, whereas the transducer in Figure 4 does not take such a similar shape. While the two transducer may have some commonalities, such commonalities are merely superficial with regards to conducting a search of the prior art.

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/William Carpenter/
Examiner, Art Unit 3767

(Applicant/Applicant's Representative Signature – if appropriate)

